

No. 23-13062-D

In the
United States Court of Appeals
for the Eleventh Circuit

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

KRISTOPHER ERVIN, ET AL.,
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
No. 3:21-cr-22-MMH-MCR-1

UNITED STATES' MOTION FOR EXTENSION OF TIME

ROGER B. HANDBERG
United States Attorney

SEAN SIEKKINEN
Assistant United States Attorney
Appellate Division
USA No. 192
400 N. Tampa St., Ste. 3200
Tampa, FL 33602
(813) 274-6000

March 8, 2024

United States v. Kristopher Ervin, et al.
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**Certificate of Interested Persons
and Corporate Disclosure Statement**

The following persons and entity have an interest in the outcome of this case:

1. Barksdale, Hon. Patricia D., United States Magistrate Judge;
2. Call, Lisa, Federal Public Defender's Office;
3. Corrigan, Hon. Timothy J., United States District Judge;
4. Ervin, Kristopher Justinboyer, defendant-appellant;
5. Firearms Policy Coalition, *amicus curiae*;
6. FPC Action Coalition, *amicus curiae*;
7. Handberg, Roger B., United States Attorney;
8. Harrington, Jennifer, Assistant United States Attorney;
9. Hoover, Matthew Raymond, defendant-appellant;
10. Hoppmann, Karin, former Acting United States Attorney;
11. Howard, Hon. Marcia Morales, United States District Judge;
12. Jaffe, Erik S., Esq.;
13. King, Alex, Esq.;
14. Klindt, Hon. James R., United States Magistrate Judge;
15. Linnen, Valarie, Esq.;
16. Lopez, Maria Chapa, former United States Attorney;

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17. Mesrobian, David B., Assistant United States Attorney;
18. Monroe, Daniel S., Esq.;
19. Rhodes, David P., Assistant United States Attorney,
Chief, Appellate Division;
20. Richardson, Hon. Monte C., United States Magistrate Judge;
21. Sherrill, Miranda Cherkas, Esq.;
22. Siekkinen, Sean, Assistant United States Attorney;
23. Taylor, Laura Cofer, Assistant United States Attorney; and
24. Tran, Mai, Assistant United States Attorney.

No publicly traded company or corporation has an interest in the outcome of this appeal.

In the United States Court of Appeals
for the Eleventh Circuit

UNITED STATES OF AMERICA,
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v.

No. 23-13062-D

KRISTOPHER ERVIN, ET AL.,
Defendants-Appellants

United States' Motion for Extension of Time

The United States respectfully requests an extension of time of 65 days, until May 20, 2024, to file our brief in this case. Our brief is presently due on March 14, 2024. This is our first request for an extension of time. The requested additional time is necessary for the following reasons:

1. I am counsel of record for the United States in this appeal.
2. For the past 30 days, I have been required to devote substantially all of my time to the following appeals in this Court and to necessary administrative matters: *United States v. Abboud*, No. 22-11111 (response brief filed Feb. 12, 2023); *United States v. Ayala*, No. 24-10462 (appeal docketed Feb. 14, 2024); *United States v. Fleming*, No. 22-12432 (motion to dismiss filed Feb. 15, 2024); *United States v. Cresser*, No. 23-11309 (reply in support of motion to dismiss filed Feb. 22, 2024); *United States v. Winslow*, No. 23-12230 (response

brief to be filed by Apr. 5, 2024).

3. For the next 14 days, I anticipate that I will be required to devote substantially all of my time to *Winslow* and to necessary administrative matters.

4. The present appeal follows a nine-day jury trial. The appellants, Matthew Hoover and Kristopher Ervin, raise at least eight issues (some overlapping) in two briefs, including constitutional issues.

5. I will require additional time to review this voluminous record, analyze appellants' arguments, research, draft, and edit our response brief, and obtain supervisory review and approval before filing.

6. I contacted counsel for each appellant yesterday by email. Hoover opposes this request. Ervin does not.

Therefore, the United States requests an extension of time of 65 days, until May 20, 2024, until which to file our response brief.

Respectfully submitted,

ROGER B. HANDBERG
United States Attorney

By: s/ Sean Siekkinen
SEAN SIEKKINEN
Assistant United States Attorney
Appellate Division
USA No. 192
400 N. Tampa St., Ste. 3200
Tampa, FL 33602
(813) 274-6000
sean.siekkinen@usdoj.gov

Certificate of Compliance with Type-Volume Limitation

This motion, which contains 294 countable words, complies with Fed. R. App. P. 27(d)(2)(A) and Fed. R. App. P. 32(a)(5), (6).

Certificate of Service

I certify that a copy of this motion and the notice of electronic filing was sent by CM/ECF on March 8, 2024, to:

VALARIE LINNEN, ESQ.
Counsel for Kristopher Ervin

MATTHEW LAROSIERE, ESQ.
Counsel for Matthew Hoover

s/ Sean Siekkinen

SEAN SIEKKINEN

Assistant United States Attorney